The Privileges of Parliament which the Members, Army, and this Kingdom have taken the Protestation and Covenant to maintain.

Reprinted for Consideration and Confirmation on the 5th. of January, 1659. the day appointed to remember them.

Die Lunæ 3 Januar. 1641.

IT is this day ordered upon the question by the Commons House of Parliament, that if any Persons whatsoever shall come to the Lodgings of any Member of the House, and there do offer to seal the Trunks, Doors, or Papers of any Members of this house, or seise upon their persons; That then such Members shall require the aid of the Constable to keep such persons in safe Custody, till this House do give further Order; and this House doth further declare, that if any person whatsoever shall offer to arrest or detain the person of any Member of this House, without first acquainting this House therewith, and receiving further Order from this House, That it is lawfull for such Member, or any person to assist him, and to stand upon his and their Guards of defence, and to make resistance according to the Protestation taken to defend the priviledges of Parliament.

H. Elsynge, Cler. Parl. D. Comm.

Die Mercurii 5. *Jan.* 1641. Commons House of Parliament.

WHereas his Majestie in his Royal person yesterday being the 4th of *January* 1641. did come to the House of Commons attended with a great Multitude of men

Exact Collection, p. 35.

The House of Commons were so far from countenancing or allowing force upon their Members in 1641. when the Parliament was full and free, that they made Orders for prevention of force when but suspected, and priviledged their Members very lodgings & goods, as well as Persons, and judged all persons bound by the Protestation to assist in their defence, and to stand upon their guard and make resistance.

Exact Collection, p. 36, 37.

men armed in a warlike manner with Halberts, Swords and Pistols, who came up to the very doore of the House, and * placed themselves there, and in other places and passages near to the House, to the great terror and disturbance of the Members thereof then sitting, and according to their Duty in a peaceable and orderly manner, treating of the great affairs of both Kingdoms of *England* and *Ireland*; And his Majesty having placed himself in the Speakers Chair, did demand the persons of divers Members of the House to be delivered unto him; It is this day declared by the House of Commons, *that the same is a high breach of the Rights and Privileges of Parliament, and inconsistent with the Liberty & Freedom thereof: and therefore this House doth conceive, they cannot with the safety of their own persons, or the indemnity of the Rights and Privileges of Parliament, sit here any longer, without a full vindication of so high a breach, and a sufficient Guard wherein they may confide; for which both Houses joyntly, and this House by it self, have been humble suiters to his Majesty, and cannot as yet obtain: Notwithstanding which this House being very sensible of the great trust reposed in them, and especially at this time of the manifold distractions of this Kingdom, and the lamented and distressed Kingdom of *Ireland*, doth order, that this House shall be adjourned untill *Tuesday* next, at one of the clock in the Afternoon; and that a Committee be named by this House, and all that will come shall have Voyces, shall sit at the *Guild-Hall* in the City of *London*, to Morrow morning at 9. of the clock, and shall have power to Consider and Reason of all things that may concern the good and safety of the City and Kingdom, and particularly how our Privileges may be vindicated, and our Persons secured: And to consider of the Affairs and Relief of *Ireland*, and shall have power to consult and advice with any Person or Persons touching the premises, and shall have power to send for parties, witnesses, papers and Records, &c. Mr. Chancellor of the *Exchequer*, Mr. *Glynn*, Mr. *Whitlock*, Lord *Faulkland*, Sir *Phil. Stapleton*, Mr. *Nath. Fines*, Sir *Ralph Hopton*, Sir *John Hotham*, Sir *Walter Earl*, Sir *Robert Cook*, Sir *Thomas Walsingham*, Sir *Samuel Rolle*, Mr. *Perpoint*, Mr. *Walt. Long*, Sir *Richard Cave*, Sir *Ed. Hungerford*, Mr. *Grimstone*, Sir *Christ. Wray*, Sir *Ben. Rudyard*, Sir *John Hippisley*, Sir *Herbert Price*, Sir *John Wray*, Sir *Tho. Barrington*, Mr. *Wheeler*, Sir *William Litton*. This is the *Committee appointed by the former Order*

It was then accounted unsuitable to the sitting or freedom of Parliament, to have armed men at the House of Commons doore, or in the passages neer to the House.

*If to demand the persons of five Members of the House after impeachment, is a high breach of the Rights and Privileges of Parliament, & inconsistent with the Liberty & Freedom thereof, so that the House did conceive thereupon that they could not with safety of their persons or indemnity of the rights and privileges of Parliaments sit any longer, without a full vindication and a Guard wherein they might confide: What is it to imprison & seclude above 100. Members at once, without accusation or ground of impeachment?

* A good president for the Members of the House of Commons to sit in London for vindication of their Privileges and security of their persons, when Westminster is unsafe or under force.

If Mr. Whitlock be the only Member suffered to sit that was of this Committee, no wonder the priviledges of Parliament formerly so zealously vindicated, are now so much broken and neglected.

† 6 of them secluded and fewered Members now living.

Order, and are to pursue the Directions of the former Order, and all that will come are to have Voyces at this Committee.

A Declaration of the House of Common, touching a late Breach of their Privilege, and for the Vindication thereof, and of divers Members of the said House.

Rush Collection p. 38, 39, 40.

WHereas the Chambers, Studies and Trunks of Mr. *Denzill Hollis*, Sir *Arthur Haslerigge*, Mr. *John Pym*, Mr. *John Hampden*, and Mr. *Will. Strode* Esqrs Members of the House of Commons, upon *Monday* the third of this instant *January*, by colour of his Majesties warrant, have been sealed up by Sir *William Killigrew*, and Sir *William Flemen*, and others, which is not only against the Privilege of Parliament, but the common Liberty of every Subject; which said Members afterwards the same day were under the same colour by Serjeant *Francis*, one of his Majesties Serjeants at Arms, contrary to all former Presidents, demanded of the Speaker sitting in the House of Commons, to be delivered unto him, that he might arrest them of High Treason: and whereas afterwards the next day His Majesty in his Royal Person came into the said House, attended with a great multitude of men armed in warlike manner with Halberts, Swords and Pistols, who came up to the very door of the House and placed themselves there, and in other places and passages near to the said House, to the great terror and disturbance of the Members then sitting, and according to their Duty in a peaceable and orderly manner treating of the great affairs of *England* and *Ireland*; And His Majesty having placed himself in the Speakers Chair, demanded of them the Persons of the said Members to be delivered unto him, which is a High Breach of the Rights and Privileges of Parliament, and inconsistent with the Liberties and Freedom thereof; And whereas afterwards his Majesty did issue forth several Warrants to divers Officers under his own hand for the apprehension of the Persons of the said Members which by Law he cannot do, there being not all this time any legal Charge or Accusation, or due process of Law issued against them, nor any pretence of Charge made known to that House: all which are against the fundamental Liberties of the Subject, and the right of Parliament; whereupon we are necessitated according to our Duty to declare, And we do hereby declare, that if any Person shall arrest Mr. *Hollis*, Sir *Arthur Haslerigge*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, or any of them, or any other Member of Parliament,

Armed Guards at the House door, inconsistent with the freedom and privilege of Members.

By Law the King himself could not give warrant to apprehend Members of the House.

Then Mr. Hollis as a Member was as free from arrest as Sir Arthur Heslrig, but now Sir Arthur hath the Privilege alone, and Mr. Hollis, and the secluded Members are subject to arrest at pleasure.

ment, by pretence or colour of any Warrant issuing out from the King only, is guilty of the breach of the Liberties of the Subject, and of the Privilege of Parliament, and a publick Enemy to the Commonwealth. And that the arresting of the said Members, or any of them, or any other Member of Parliament by any Warrant whatsoever without a Legal Proceeding against them, and without consent of that House whereof such Person is a Member, is against the Liberty of the Subject, and a breach of Privilege of Parliament; And the Person which shall arrest any of these Persons, or any other Member of the Parliament is declared a Publique Enemie of the Commonwealth. Notwithstanding all which we think fit further to declare, that we are so far from any endeavours to protect any of our Members that shall be in due manner prosecuted according to the Laws of the Kingdom, and the Rights and Privileges of the Parliament, for Treason or any other Misdemeanours, that none shall be more readie and willing than we our selves, to bring them to a speedie and due Trial; being sensible that it equally imports us as well to see Justice done against them that are criminous, as to defend the just Rights and Liberties of the Subject and Parliament of *England*. And whereas upon several Examinations taken this 7th. day of this instant *January*, before the Committee appointed by the House of Commons to sit in *London*, it did fully appear, that many Souldiers, Papists and others, to the number of above five hundred, came with his Majestie on *Tuesday* last to the said House of Commons, armed with Swords, Pistols and other weapons: And divers of them pressed to the said door of the House, thrust away the Doorkeepers and placed themselves between the said door, and the ordinary Attendants of his Majesty, holding up their Swords, and some holding up their Pistols ready cock'd near the said door, and saying, I am a good Marksman, I can hit right I warrant you; and they not suffering the said door according to the Custom of Parliament to be shut; but said, they would have the door open; And if any opposition were against them they made no question but they should make their party good, and that they would maintain their partie; And when several of the House of Commons were comming into the House, their Attendants desiring that room might be made for them; some of the said Souldiers answered, A pox of God confound them, and others said, A pox take the House of Commons.

Let

To arrest any Member by whatsoever Warrant without a legal proceeding, is against the Liberty of the Subject, and they that arrest any such are declared publick Enemies of the Commonwealth.

Its eleven years that above Two hundred Members have been secluded, by their Fellow Members, & yet not one of the so much as accused or brought to tryal: Let but one week be allowed for a legal accusation and tryal of the 43. Members that sit, & if they be not all found guilty by the weeks end, let them be privileged to sit as long as they live.

Let them come and be hanged. What adoe is here with the House of Commons; and some of the said Souldiers did likewise violently assault, and by force disarm some of the Attendants and Servants of the Members of the House of Commons waiting in the room next the said House: And upon the Kings return out of the said House, many of them by wicked Oaths and otherwise, expressed much discontent, that some Members of the said House, for whom they came, were not there: and others of them said, When comes the word? and no word being given at his Majesties coming out, they cried, A lane, a lane: afterwards some of them being demanded, what they thought the said Company intended to have done? Answered, That questionlesse in the posture they were set, if the word had been given, they should have fallen upon the House of Commons and have cut all their throats: Upon all which we are of opinion, that it is sufficiently proved, that the coming of the said Souldiers, Papists and others with his Majesty to the House of Commons on Tuesday last, being the fourth of this instant January, in the Manner aforesaid, was to take away some of the Members of the said House: and if they should have found opposition or denial, then to have fain upon the said House, in a Hostile manner, and we do hereby declare, that the same was a *Treacherous design against the King and Parliament; And whereas the said Mr. *Hollis*, Sr. *Arthur Haslerigg*, Mr. *Pym*, Mr. *Hampden* and Mr. *Strode*, upon report of the comming of the said Souldiers, Papists and others, in the Warlike and Hostile manner aforesaid, did with the approbation of the House, absent themselves from the service of the House, for avoiding the great and many inconveniences, which otherwise apparently might have hapned; since which time a Paper printed in the form of a Proclamation bearing date the 6th. day of this Instant *January*, hath issued out for the apprehending and imprisoning of them, therein Suggesting, that through the conscience of their own Guilt, they were absent and fled, not willing to submit themselves to Justice; We do further declare, that the said printed paper, is false, scandalous and illegal, and that notwithstanding the said printed paper, or any warrant issued out, or any other matter yet appearing against them, or any of them, they may and ought to attend the service of the said House of Commons, and the several Committees now on foot. And that it is lawfull for all Persons whatsoever to Lodge, Harbor or converse with

* Was not the force Dec. 6. 7. 1648. and May 7, 9. and Dec. 29. 1659. the like?

Then the House of Commons would not suffer papers to be printed against 5 impeached Members, now false, scandalous and illegal papers are countenanced against the major part of the House.

with them, or any of them; And whosoever shall be questioned for the same, shall be under the protection and Privileges of Parliament; And we do further declare, that the publishing of several Articles, purporting a form of a charge of high Treason, against the Lord *Kimbolton*, one of the Members of the Lords House; And against the said Mr. *Holls*, Sr. *Arthur Haslerigg*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, by Sr. *William Killigrew*, Sr. *William Flemen*, and others in the Innes of Court, and elsewhere in the Kings name, was a high Breach of the Privilege of Parliament, a great scandal to his Majesty and his Government, a seditious act manifestly tending to the subversion of the Peace of the Kingdom, and an injurie and dishonour to the said Members, there being no legal Charge or Accusation against them: That the Priviledges of Parliament, and the liberties of the subject, so violated and broken, cannot be fully and sufficiently vindicated, unless his Majestie will be graciously pleased to discover the names of those Persons, who advised his Majestie to issue out warrants, for the sealing of the Chambers and Studies of the said Members, to send a Serjant at Arms to the House of Commons, to demand their said Members, to issue out warrants under his Majesties own hand, to apprehend the said Members; His Majesties coming thither in his own Royal Person; the publishing of the said Articles, and printed paper, in the form of a Proclamation against the said Members, in such manner as is before declared; to the end that such Persons may receive condign Punishment. And this House doth further declare, that all such Persons as have given any counsel, or endeavoured to set or maintain division or dislike, between the King and Parliament, or have listed their names, or otherwise entred into any Combination or Agreement, to be aiding or assisting to any such Counsel or Endeavour, or have perswaded any other to do, or that shall do any the things above mentioned, and shall not forthwith discover the same, to either House of Parliament, or the Speaker of either the said Houses respectively, and disclaim it, are declared publick Enemies of the State and Peace of this Kingdom, and shall be enquired of, and proceeded against accordingly.

Die Lunæ 17th. *Januarii* 1641. It is this day Ordered by the Commons assembled in Parliament, that this Declaration shall be forthwith published in print. *Hen. Elsing, Cler. Parl. Do. Com.*

Then it was adjudged a high breach of privilege, and a seditious Act, tending to the subversion of the Peace of the kingdom, and an injury and dishonor to the Members, to publish articles in form of a charge against them, since it hath been usual without controll in that kind to asperse them in their very licensed Diurnals, especially by that insolent, malignant, lying mercinarie writer for all parties, Mar. Nerdham.

Such breakers of privileges of Parliament are declared publick Enemies of the State and Peace of the Kingdom, and are to be proceeded against accordingly.

The Kings Message to both Houses, January 12. 1641.

His Majestie taking notice that some conceive it disputable, whether his proceedings against my Lord *Kimbolton*, Mr. *Hollis*, Sr. *Arthur Haslerigg*, Mr. *Pym*, Mr. *Hampden* and Mr. *Strode*, be Legal and agreeable to the Priviledges of Parliament, and being very desirous to give satisfaction to all men in all matters that may seem to have relation to Privilege; is pleased to wave his former proceedings, and all doubts, by this means being setled, when the minds of men are composed, His Majesty will proceed thereupon in an unquestionable way, and assures his Parliament, that upon all occasions we will be as carefull of their Priviledges, as of his life or of his Crown.

Exact Collection p. 40. &c. The late King very desirous to give satisfaction to all men in point of Priviledge, but the Rump not so.

To the Kings most excellent Majesty, The Humble Petition of the Inhabitants of the County of Buckingham-shire

Sheweth,

THat your Petitioners having by virtue of your Highnesse Writ, chosen *John Hampden*, Knight for our Shire, in whose Loyalty we his Country-men and Neighbours, have ever had good cause to confide, however of late to our no lesse amazement than grief, we find him with other Members of Parliament now accused of Treason: & having taken into our serious Consideration, the manner of their impeachment, we cannot but (under your Majesties favour) conceive, that it doth so oppugn the Rights of Parliament, to the maintainance whereof our Protestation binds us; that we believe it is the malice, which their Zeal to your Majesties service, and the State, hath contracted in the Enemies to your Majestie, the Church and Commonwealth, hath occasioned this foul accusation, rather than any deserts of theirs, who do likewise through their sides, wound the Judgement and care of us your Petitioners, and others, by whose choice they were presented to the House. Your Petitioners therefore most Humbly pray, Mr. *Hampden* and the rest that lie under the burdain of that accusation, may enjoy the just Priviledges of Parliament: and your Petitioners shall ever pray, &c.

Exact Collection p: 52. The Petition of the County of Buckingham in behalf of Mr. Hambden, a good president for the several Counties, Cities, and places, all or any of whose Knights, Members, are illegally secluded for their faithfulnesse to their Country.

Windsor, 13. *January* 1641. *His Majestie* being graciously pleased to let all his Subjects understand his care, not knowingly to violate in the least degree, any of the Priviledges of Parliament, hath therefore lately by a Message sent by the Lord Keeper, signified, that he is pleased because of the doubt that hath been raised of the manner, to wave his former proceedings against Mr. *Hampden* and the rest mentioned in this petition, concerning whom his Majestie intends to proceed in an unquestionable way and

The late King by many degrees more tender of the Priviledges of Parliament, than those who have usurped his regal power.

and then his Majesty saith it will appear, that he had sufficient grounds to question them, as he might not in justice to the Kingdom, and honour to himself, have forborne: and yet his Majesty had much rather, that the said persons should prove innocent, than be found guilty: however he cannot conceive that their Crimes can in any sort reflect upon these his good Subjects, who elected them to serve in Parliament.

His Majesties Profession and Addition to his last Message to the Parliament, Jan. 4. 1641.

The late King offers to assert and vindicate the privileges of Parliament in any reasonable way the Parliament should desire.

His Majesty being no lesse tender of the Privileges of Parliament, and thinking himself no lesse concerned, That they be not broken, and that they be asserted and vindicated whensoever they are so, than the Parliament it self, hath thought fit to adde to his last Message this Profession, that in all his proceedings against the Lord *Kymbolton*, Mr. *Hollis*, Sir *Arthur Haselrigge*, Mr. *Pym*, Mr. *Hampden*, and Mr. *Strode*, He had never the least intention of violating the least Privilege of parliament; And in case any doubt of breach of Privileges remain, will be willing to clear that, and assert these by any reasonable way that his Parliament shall advise him to; upon confidence of which, He no waies doubts His Parliament will forthwith lay by all Jealousies, and apply themselves to the publique and pressing Affairs, and especially to those of *Ireland*, wherein the good of the Kingdom, and the true Religion (which shall ever be His Majesties first care) are so highly and so nearly concerned. And his Majesty assures himself, that his care of their Privileges will increase the tendernesse of his Lawfull Prerogative, which are so necessarie to the mutual defence of each other, and both which will be the Foundation of a perpetuall Intelligence between his Majesty and Parliaments, and of the Happiness and Prosperity of his People.

Exact Collection, p. 45, 46.

The like Petition in substance, was made by the City of *London* to his Majesty, and the like Answer, touching the *impeached Members*, and this *breach of Privilege*.

Nevertheless I have something against thee, because thou hast forsaken thy first love. Remember therefore from whence thou art fain, and repent, and do the first works, or else I will come unto thee quickly, and will remove thy Candlestick out of his place, except thou repent. Rev. 2. 4, 5.

Every City or House divided against it self shall not stand. Mat. 12. 25.

FINIS.